IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.27666 of 2007

P.Thangaraj .. Petitioner

vs.

The Revenue Divisional Officer,
Namakkal Division,
Namakkal District. .. Respondent

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondent to release the Tractor and Trailer bearing Registration No.TN 28 AA 7375 seized, on 17.8.2007, to the petitioner.

For petitioner : Mr.N.Subramani
For respondent : Mr.A.Arumugam
Additional Government Pleader

O R D E R

Mr.A.Arumugam, the learned Additional Government Pleader takes notice for the respondent.

2. With the consent of the learned counsels appearing on either side, the writ petition itself is taken up for final disposal.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner had valid permit for transporting the rough stones from the Government quarry at Periyapatti to Namakkal with permit No.3428, dated 17.8.2007, issued by the

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Assistant Director of Mines and Minerals, Namakkal. However, the District Collector, Namakkal, had seized the vehicle and handed it over to the respondent, without issuing any seizure mahazar to the driver, inpite of all the relevant documents being shown to him, including the permit to transport rough stones. Thereafter, the vehicle had been kept in the custody of the Inspector of Police, Namakkal police station.

4. Considering the facts and circumstances of the case, the respondent is directed to release the Tractor and Trailer bearing Registration No.TN 28 AA 7375 to the petitioner, on the following conditions:-

A) The petitioner shall establish the ownership of the vehicle by producing the necessary documents before the Respondent.

B) The petitioner shall not part with or alienate the vehicle in any manner till the adjudication is over.

C) The petitioner shall deposit with the respondent a sum of Rs.5,000/- (Rupees Five Thousand only) in cash, as agreed.

D) The petitioner shall file an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle before the respondent as and when called for.

E) The petitioner shall also produce the vehicle once in two months before the respondent herein in order to ensure that condition (B) is properly complied with.

5. In the event of default by the petitioner in complying with condition B or E, it will be open to the respondent to seize the vehicle, without further notice to the petitioner.

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6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

The Revenue Divisional Officer,
Namakkal Division,
Namakkal District.

+ one cc to Mr. N. Subramani, Advocate sr no. 52939
+ one cc to the Government Pleader sr no. 53049

KG(cO)
NM(27.08.07)

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